WR Grace

SR00000578

Bankruptcy Form 10

Index Sheet

Claim Number: 00009573

Receive Date: 03/28/2003

Multiple Claim Reference

Claim Number _____

- ☐ MMPOC Medical Monitoring Claim Form
- ☐ PDPOC Property Damage
- ☐ NAPO Non-Asbestos Claim Form
- ☐ Amended

Claim Number _____

- ☐ MMPOC Medical Monitoring Claim Form
- ☐ PDPOC Property Damage
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- ☐ Amended

Attorney Information

Firm Number: 00335

Firm Name: White & Williams LLP

Attorney Number: 00211

Attorney Name: Leonard P Goldberger

Zip Code: 19103-7395

Cover Letter Location Number: SR00000578

Attachments Medical Monitoring	Attachments Property Damage	Non-Asbestos
☐ TBD	☐ TBD	☒ Other Attachments
☐ TBD	☐ TBD	
☐ TBD	☐ TBD	
☐ TBD	☐ TBD	
☐ TBD	☐ TBD	
	☐ Other Attachments	

Other

- ☐ Non-Standard Form
- ☐ Amended
- ☐ Post-Deadline Postmark Date

Box/Batch: WRBF0039/WRBF0156

Document Number: WRBF007792

United States Bankruptcy Court for the District of **Delaware**

PROOF OF CLAIM

Name of Debtor
W.R. Grace & Co. - Conn.

Case Number:
01-01179(JKF)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):
Century Indemnity Company, et al.

Name and Address Where Notices Should be Sent:
Leonard P. Goldberger, Esquire
White and Williams LLP
1800 One Liberty Place
Philadelphia, PA 19103-7395
Telephone: 215-864-6376

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

■ Check box if you have never received any notices from the bankruptcy court in this case.

☐ Check box if the address differs from the address on the envelope sent to you by the court.

This Space is for Court Use Only

Account or other number by which creditor identifies debtor:
Various policy numbers; See Attachment

Check here if this claim ☐ replaces ☐ amends a previously filed claim, dated:

1. Basis for Claim

☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
■ Other **Insurance policies and related agreements (See Attachment)**

☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
☐ Wages, salaries, and compensation (fill out below)
Your SS #: - -
Unpaid compensation for services performed from _____ (date) to _____ (date)

2. Date debt was incurred:
Various policy periods; See Attachment

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: $Unliquidated. See Attachment

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges

5. Secured Claim.

☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

☐ Real Estate ☐ Motor Vehicle
☐ Other

Value of Collateral:

Amount of arrearage and other charges at time case filed included in secured claim, if any $

6. Unsecured Priority Claim.

☐ Check this box if you have an unsecured priority claim
Amount entitled to priority **$Unliquidated**
Specify the priority of the claim:

☐ Wages, salaries, or commissions (up to $4,300);* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507(a)(3).
☐ Contributions to an employee benefit plan – 11 U.S.C. §507(a)(4).
☐ Up to $1,950 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507(a)(6).
☐ Alimony, maintenance, or support owned to a spouse, former spouse, or child – 11 U.S.C. § 507(a)(7).
☐ Taxes or penalties of governmental units – 11 U.S.C. § 507(a)(8).
☐ Other

** Amounts are subject to adjustment on 4/01/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien.

DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain.

If the documents are voluminous, attach a summary. **See Attachment**

9. Date-Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed enveloped and copy of this proof of claim.

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00009573
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Date
March 26, 2003

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Malcolm L. Myers

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

RECD MAR 2 8 2003

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ATTACHMENT TO PROOF OF CLAIM OF
CENTURY INDEMNITY COMPANY, ET AL. IN
IN RE W.R. GRACE & CO., ET AL., CASE NO. 01-01139(JKF)

Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, as successor to CIGNA Specialty Insurance Company, formerly known as California Union Insurance Company; Pacific Employers Insurance Company; Century Indemnity Company of Hartford, Connecticut by and through Cravens, Dargan & Company Pacific Coast (with respect to policy no. C1Z426249); and Central National Insurance Company of Omaha, with respect to policies issued through Cravens, Dargan Pacific Coast, as Managing General Agent (and possibly other ACE USA-related companies) (collectively, "Insurers") issued certain insurance policies for various policy periods (collectively, the "Policies") in connection with certain insurance programs provided to W.R. Grace & Co. and its various affiliated entities (and/or other possible named insureds) (collectively, "Debtors"). Insurers may also be parties to certain other agreements with Debtors relating to such insurance coverage provided in connection with such insurance programs (collectively, the "Agreements"). The documents supporting this proof of claim are voluminous and contain confidential and privileged materials; however, copies of the non-confidential portions of Policies and/or the Agreements are available upon request.

The amount of Insurers' claims are presently unliquidated and are subject to further and future adjustment. Insurers' claim may include, without limitation, additional premium payments, deductibles, self-insured retentions and other expenses which may become due under the Policies and/or the Agreements. Insurers may also hold claims that are presently contingent and unliquidated for any and all rights to payment, rights to receive performance, actions, defenses, setoffs and/or recoupments arising from, related to, or in connection with any and all of Debtors' (and any other possible named insureds') duties and obligations under the terms of the Policies and/or the Agreements.

Insurers further reserve the right to amend, update, supplement, modify, increase or otherwise further liquidate this proof of claim from time to time for any reason necessary to accurately reflect the amount or nature of the claims being asserted. To the extent that Insurers may have rights against any other related debtors of which they are not presently aware, or such related debtors claim rights to, or interests in, the Policies and/or the Agreements, this proof of claim should be deemed filed in each such separate case. Insurers further reserve (i) the right to assert separate requests for payment of administrative expense or other priority claims under section 503(a) of the Bankruptcy Code against Debtors if, as and when the Policies and/or the Agreements are determined to be executory contracts within the meaning of section 365 of the Bankruptcy Code; (ii) the right to request adequate protection of their interests in the Policies, the Agreements and/or otherwise; (iii) the right to assert any claims which may arise in any subsequent litigation regarding any aspect of the Policies, the Agreements or otherwise; and/or (iv) the right to assert any such claims which are otherwise warranted under the circumstances.

This proof of claim shall not be deemed to be a waiver of, and is without prejudice to, (i) the right of Insurers to have final orders in non-core matters entered only after de novo review by a United States District Judge, (ii) the right of Insurers to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case, (iii) the right of Insurers to request the United States District Court to withdraw the reference or to abstain in any matter subject to mandatory or discretionary withdrawal or abstention, and/or (iv) any and all of Insurers' rights, claims and/or defenses of any nature whatsoever under the Policies, the Agreements, the Bankruptcy Code and/or any otherwise applicable law.